

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERT MERRITT	:	CIVIL ACTION
	:	
v.	:	NO. 13-0580
	:	
THE STATE OF PENNSYLVANIA,	:	
NORTHAMPTON COUNTY	:	
CORRECTIONAL CENTER and	:	
STEVEN GULLO	:	

**ORDER**

**AND NOW**, this 8th day of May, 2013, upon consideration of the Complaint, it is **ORDERED** that pursuant to 28 U.S.C. § 1915(e), the complaint is **DISMISSED** as to the State of Pennsylvania and the Northampton County Correctional Center.<sup>1</sup>

/s/Timothy J. Savage  
TIMOTHY J. SAVAGE, J.

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<sup>1</sup> The Eleventh Amendment to the United States Constitution prohibits a federal action for damages against a state unless the state has waived its immunity. U.S. Const. amend. XI; *Edelman v. Jordan*, 415 U.S. 651 (1974). Also, "[A] state is not a person within the meaning of § 1983." *Will v. Michigan Dept. of State Police*, 491 U.S. 58, 64 (1989). Similarly, a prison is not a "person" subject to suit under § 1983. *Mitchell v. Chester County Farms Prison*, 426 F. Supp. 271 (E.D. Pa. 1976); *see also Brooks v. Pembroke City Jail*, 722 F. Supp. 1294, 1301 (E.D.N.C. 1989). Therefore, all claims against the Commonwealth of Pennsylvania and the Northampton County Correctional Center must be dismissed.